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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,749	11/20/2001	Heinz-Dieter Adomeit	076326-0196	9045

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EXAMINER

SMITH, JULIE KNECHT

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 02/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,749

Applicant(s)

ADOMEIT, HEINZ-DIETER

Examiner

Julie K Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 and 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Paragraph [0041] discloses that the notch and the expansion/compression area are both reference number (47).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 8-11, 15, 22-26, 28, 31 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Ervin (5,070,741).

Regarding claims 1, 24-26, 28 and 34, Ervin discloses an apparatus for steering a motor vehicle comprising a rotatable steering device, including a shaft and a steering wheel (16), having an axis of rotation, a transmission mechanism (38,40), having gear teeth and an endless member (58) for translating a rotational movement of the steering device into a movement of a steering element (18) positioned away from the axis of rotation of the steering element, and a mount (30,32,42) fastened to the motor vehicle for supporting the steering element, wherein the mount includes a portion extending in a direction parallel to the axis of rotation of the steering

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element, wherein the mount is configured to cushion the impact of the occupant against the steering element (see col. 1, lines 55-68).

Regarding claims 8-11 and 31, Ervin discloses a telescopic mount configured to shorten in length in order to cushion the impact, said mount including a weakened area (43), comprising a notch, in order to facilitate the shortening, wherein the transmission mechanism is damaged (see fig. 4) by the compression of the mount.

Regarding claim 15, Ervin discloses the mount having a support column (22).

Regarding claims 22 and 23, Ervin discloses the mount fixed to a cladding or cross member of a dashboard.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6, 16-19, 27, 29-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ervin as applied to claims 1, 8-11, 15, 22-26, 28, 31 and 34 above, and further in view of Steffens, Jr. (5,507,521).

Regarding claims 2-7, Ervin discloses a steering apparatus as claimed, but does not disclose a mount that tilts downward in the event of a collision. However, Steffens, Jr. teaches a mount (24) having an extending portion configured to tilt downward, and a weakened section

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(49,86) to facilitate bending, so that it extends in a direction parallel to a longitudinal direction of a vehicle in the event that an occupant impacts the steering wheel (see fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mount of Ervin with the teachings of Steffens, Jr. so as to allow the steering device to tilt so that it extends in a direction parallel to a longitudinal direction of a vehicle so as to reduce injury to the occupant.

Regarding claim 12, Ervin discloses the mount having means for resisting telescopic shortening of the mount (see fig. 4).

Regarding claims 16-19, Steffens, Jr. teaches a steering apparatus further comprising a fixed subassembly (26) having a non-steering function comprising an airbag module and a horn.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mount of Ervin with the teachings of Steffens, Jr., as it is old and well known in the art to provide steering assemblies with airbags and horns for additional safety.

Regarding claim 27, Ervin discloses a steering apparatus as claimed, but does not disclose a tiltable steering device. However, Steffens, Jr. teaches a steering element that tilts in the event of an impact of a vehicle occupant.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the steering device of Ervin with the teachings of Steffens, Jr. so as to provide a steering device that tilts in the event of a crash in order to reduce the impact of the occupant on the steering device, reducing the chances for injury.

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Regarding claim 29, Ervin discloses a transmission mechanism that can be disengaged (see fig. 4) from the steering device in the event of an impact of a vehicle occupant.

Regarding claim 30, Ervin discloses a transmission mechanism arranged in a housing configured to be damaged (43, see figs. 3-4) by the telescoping of the mount.

Regarding claim 32, Ervin discloses a housing having a predefined breaking point (43).

6. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ervin in view of Steffens, Jr. as applied to claims 2-6, 16-19, 27, 29-30 and 32 above, and further in view of Mohr (4,411,167). Ervin discloses a means for resisting telescopic shortening of a mount, but does not disclose that it is elastic. However, Mohr teaches an elastic resisting means (69) or a fluid resisting means (fig. 7, putty is described in col. 4) for a telescoping member (see fig. 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the resisting means of Ervin with the teachings of Mohr to provide an elastic or fluid resisting means so that the impact can further be reduced by using a spring or fluid as a dampener.

7. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ervin in view of Steffens, Jr. as applied to claims 2-6, 16-19, 27, 29-30 and 32 above, and further in view of Seko (3,910,597). Although the reference combination set forth above does not disclose an airbag arranged asymmetrically in relation to the axis of rotation of the steering wheel, Seko teaches an airbag that is arranged asymmetrically about the axis of rotation.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of the reference combination with the teachings of Seko to provide an airbag arranged asymmetrically about an axis of rotation so as to ensure that the airbag deploys properly, regardless of the tilt position of the steering wheel.

8. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ervin as applied to claims 1, 8-11, 15, 22-26, 28, 31 and 34 above, and further in view of Cochard (4,938,094). Although Ervin is silent as to the assembly procedure of the steering assembly, Cochard teaches a pre-assembled steering transmission mechanism which can be connected to the steering element.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to design the assembly to be pre-assembled to reduce complexity and allow the assembly to be more easily installed.

Regarding claim 33, product-by-process claims are limited by and defined by the process; determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985)

Conclusion

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

3,719,245 to Wilfert	3,633,933 to Millard
4,932,285 to Tsukamoto	4,330,139 to Katayama
4,616,522 to White et al.	5,509,325 to Thomas
6,189,919 to Sinnhuber et al.	4,066,149 to Mazelsky
4,117,741 to Yazane et al.	4,925,210 to Peitsmeier et al.
3,934,486 to Becker et al.	3,934,897 to Moos
5,005,863 to Drefahl	5,368,330 to Arnold et al.
5,503,431 to Yamamoto	3,771,379 to Rohrbach
4,674,354 to Brand	6,227,571 to Sheng et al.
4,156,372 to Wenninger	6,276,483 to Sinnhuber et al.
0 332 126 to Tadashi et al.	6,120,057 to Adomeit et al.
5,121,808 to Visentini et al.	5,511,823 to Yamaguchi et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Smith whose telephone number is 703-305-3948. The examiner can normally be reached on Monday-Friday, 8-5:30, (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703-308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

JKS

jks

February 19, 2003


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